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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/632,031	07/31/2003	Jeffery M. Konopacki	M09624 9656		
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William D Lai	ıyi, Esq.	GIMIE, MAHMOUD			
Mercury Marine				 	
W6250 Pioneer	Road	ART UNIT	PAPER NUMBER		
P.O. Box 1939		3747			
Fond du Lac, WI 54936-1939			DATE MAILED: 09/13/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicant(s) Office Action Summary					X		
Examiner Art Unit 3747		,	Application No.	Applicant(s)			
Mahmoud Gimle 3747 Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the period for reply specified above is loss than thirty (30) days, are ray within the standary minimum of thery (30) days will be considered timely. If the period for reply specified above is loss than thirty (30) days, are ray within the standary minimum of thery (30) days will be considered timely. If the period for reply specified above is loss than there would be a replaced by the period of the standary period will apply within the standary minimum of thery (30) days will be considered timely. If the period for reply is specified state, the mainting added of this communication, even if timely filled, may reduce alony countries. Any reply received by the Office later than there months after the mailting date of this communication, even if timely filled, may reduce alony communication. A prophy received by the Office later than there months after the mailting date of this communication, even if timely filled, may reduce alony countries. A prophy reduced the specific time and the period of this communication, even if timely filled, may reduce alony countries. A prophy reduced the specific time and the period of this communication. A prophy reduced the prophy filled on 31 July 2003. Claim(s)	<i>i</i>		10/632,031	KONOPACKI, JEFFERY M.			
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. Extensions of term any be available under the processors of STCRT 1.13(a). In no event, however, may a reply be timely field Extensions of term any be available under the processors of STCRT 1.13(a). In no event, however, may a reply be timely field Extensions of term any be available under the processor of STCRT 1.13(a). In no event, however, may a reply be timely field Extensions of term any be available under the processor of STCRT 1.13(a). In no event, however, may a reply be timely field Extensions of the processor of the processor of STCRT 1.13(a). In no event, however, may a reply be timely field If the period for reply specified shows the terminal processor of the section of the processor of the processor of the processor of the period of the communication. From the period of the communication of the period of the communication. From the period of the communication of the period of the communication of the period of the communication of the period of the period of the communication. Paging This action is FINAL. 1 20 3 1.14 2.00 3 1.14 2.00 3 1.14 2.00 3 1.14 2.00 3 1.14 2.00 3 1.14 3 3 3 3 3 3 3 3 3 3 3 3 3		Office Action Summary	Examiner	Art Unit			
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THE MAILING DATE OF THIS COMMUNICATION. Extensions of term rapts be wisled under the provisions of 3°C FR 1.35(g). In no event, however, may a reply but limitely field after SIX (g) MONTHS from the mailing date of this communication. A possible of the communication of the communic			ears on the cover sheet with th	e correspondence address			
1) Responsive to communication(s) filed on 31 July 2003. 2a) ☐ This action is FINAL. 2b) ☑ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 ☑ Claim(s) 1-12 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5 ☐ Claim(s) 1,3.5.7.9 and 11 is/are rejected. 7 ☑ Claim(s) 1,3.5.7.9 and 12 is/are objected to . 8 ☐ Claim(s) 1,3.5.7.9 and 12 is/are objected to . 8 ☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9 ☐ The drawing(s) filed on 31 July 2003 is/are: a) ☑ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The orath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12 ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1 ☐ Certified copies of the priority documents have been received in Application No 3 ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rula 17 2(a)). *See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☑ Notice of Prafspersons Patent Drawing Review (PTO-948) 3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB09) 5 ☐ Notice of Drafspersons Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB09) 5 ☐ Notice of Drafspersons Patent Drawing Review (PTO-948) 3 ☐ Information Drawing Patent Drawing Review (P	THE I - Exter after - If the - If NO - Failu Any	MAILING DATE OF THIS COMMUNICATION. nsions of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period w re to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing	86(a). In no event, however, may a reply b within the statutory minimum of thirty (30) will apply and will expire SIX (6) MONTHS f cause the application to become ABANDO	e timely filed days will be considered timely. rom the mailing date of this communication DNED (35 U.S.C. § 133).	i.		
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U.S. Patent and Trademark Office PTOL-326 (Rev. 1-04) Application/Control Number: 10/632,031

Art Unit: 3747

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1,3,5,7,9 and 11 rejected under 35 U.S.C. 102(b) as being anticipated by Smitley (5,411,002).

Smitley discloses a method for controlling fuel pressure for a fuel injected engine, comprising the steps of: providing a fuel pump (14) with an inlet port which is connectable in fluid communication with a fuel supply and an outlet port which is connectable in fluid communication with a fuel injector (20); measuring (24) a fuel pressure at a location which is in fluid communication with said outlet port; and controlling an operating speed of said fuel pump as a function of said fuel pressure measured at said location which is in fluid communication with said outlet port (columns 5 and 6, lines 63-68 and 1-14 respectively.

With regard to claim 3, the controlling step comprises the step of transmitting a pulse width modulated signal to said fuel pump.

With regard to claims 5,7,9 and 11, see above and figure 1.

Art Unit: 3747

Allowable Subject Matter

3. Claims 2,4,5,8,10 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references show fuel pump control systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mahmoud Gimie whose telephone number is 703-305-1037. The examiner can normally be reached on Tuesday-Friday between 7 a.m. -3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on 703-308-1946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MG

MAHMOUD GIMIE PRIMARY PATENT EXAMINER